

AT A PUBLIC HEARING AND REGULAR MEETING OF THE HAMPTON PLANNING COMMISSION HELD IN THE COUNCIL CHAMBERS, CITY HALL, HAMPTON, VIRGINIA, ON MAY 13, 2002 AT 3:30 P.M.

PRESENT: Chairman Perry T. Pilgrim, Vice-Chairman Ralph A. Heath, III, and Commissioners Katherine K. Glass, Timothy B. Smith, Harold O. Johns, Rhet Tignor, and George E. Wallace

ABSENT: None

ROLL CALL

A call of the roll noted all members present.

ITEM I. MINUTES

There being no additions or corrections, a motion was made by Commissioner Ralph A. Heath, III, and seconded by Commissioner Katherine K. Glass, to approve the minutes of the April 8, 2002 Planning Commission meeting. A roll call vote on the motion resulted as follows:

AYES:	Smith, Johns, Heath, Glass, Wallace, Tignor, Pilgrim
NAYS:	None
ABST:	None
ABSENT:	None

ITEM II. YOUTH PLANNER REPORT

Ms. Kathryn Price, Youth Planner, updated the Commission on the results of the Youth-Friendly Survey, a copy of which is attached hereto and made a part hereof. The Youth-Friendly Guidebook is being implemented and will be distributed to businesses, clubs, and other organizations next year. In regards to transportation, Ms. Price stated another Baltimore trip is being planned to allow other Youth Commissioners the opportunity to experience the public transit system. No date has been specified. The Peninsula Rail Transit Sub-Committee is being formed with the assistance of Mr. Ross Kearney, Jr. A youth from a local city will be working with this committee. One of the goals is to share input of different designs of the transit system from a youth perspective. This will begin in the fall of next year.

Mr. O'Neill stated the context of the survey is from a charge given to the Youth Commission and Youth Planners by both City Council and business owners in the community. The survey was collected by merging both charges given by City Council and conversations with business owners. He stated the direction began from a previous discussion with the Youth Planners and Youth Commission regarding the teen center, and he believed it was Councilman Kearney and others who asked the young people to try to describe a youth friendly facility, so that when the teen center is constructed, it would

respond to the concerns of young people in the community. The second part came from business owners who had on-going relationships, conversations or significant clientele with young people. The businesses were looking for guidance as to what they can do to attract young people to their businesses and make it as a productive, comfortable and friendly environment. He stated if the Commission feels there is an interest for more detailed information, a work session could be held to have a more in-depth discussion.

In response to a question by Commissioner Glass, Ms. Price stated the survey is information that will be incorporated into the guidebook, and the guidebook will be available in the Planning Department, and distributed to different areas free of charge.

Mr. O'Neill stated the guidebook would be available to any entity or institution that believes some part of their clientele or audience is young people. The guidebook is intended to be of assistance to them coming directly from the young people who are seeking to be part of their mission.

Commissioner Glass suggested that Ms. Price look into the Chamber of Congress. Commissioner Wallace suggested the Coliseum Central Business Improvement District, Phoebus Improvement League, Hampton Rotary Club, and as an aside, a youth may want to attend the Sister City Korea. Commissioner Tignor suggested the Lions Club and Kiwanis Club. Commissioner Johns suggested different youth groups and churches throughout the city.

In response to a question by Commissioner Heath, Ms. Price stated the reason why the neighborhood youth groups are so low is because a lot of the youth are not involved in the neighborhood youth groups. It is a smaller body which does not represent all youth in the city.

CONSENT AGENDA

ITEM III. PRELIMINARY SUBDIVISION PLAT: PELICAN SHORES

Chairman Pilgrim read the description of the next agenda item.

Preliminary Subdivision Plat: Pelican Shores, a Residential-Open Space subdivision consisting of up to 31 single-family lots on 31.8± acres on the east side of LaSalle Avenue south of its intersection with Tide Mill Lane and extending east to Back River.

In response to a comment by Commissioner Tignor, Mr. Edward Haughton, City Planner, stated the obligations are still the same when the subject property was recently rezoned.

In response to a question by Commissioner Smith, Mr. Haughton stated the lot sizes of Condition #5 are 2,400 square feet, and Condition #6 is 2,200 square feet. Condition #4 and #5 address lot sizes.

After discussion, the Commission approved the following resolution:

WHEREAS: The Hampton Planning Commission has before it this day a proposed 31.8 ± acre preliminary single family residential subdivision, Pelican Shores, located 258'± south of the intersection of Tide Mill Lane and LaSalle Avenue, extending 580'±, on the east side of LaSalle Avenue and extending 1300'± east to Back River and access from Tide Mill Lane; and

WHEREAS: The property is zoned One Family Residential District (R-15) which allows 15,000 square foot lots with 90 feet of frontage and 2,000 square foot dwelling units; and

WHEREAS: The property is also governed by the conditions of R-OS Use Permit No. 978 that allows flexibility in the development of this property, i.e.; open space and single family lots that meet the minimum One Family Residential District (R-9) of 6,000 square foot lots with 60 feet of frontage; and

WHEREAS: As stated in the conditions of R-OS use Permit No. 978, dwelling units constructed on lot numbers 22-28 and lot number 30 shall have a minimum of 2,400 square feet of heated living area and lot numbers 19-21 shall have a minimum of 2,200 square feet of heated living area; and

WHEREAS: Dwelling units on all other lots shall have a minimum 2,000 square feet of heated living area; and

WHEREAS: All dwellings units shall have a minimum of a two-car garage; and

WHEREAS: The subdivider, Land Venture Developers and Builders, Inc., seeks conditional approval of up to 31 single family lots and an 11.2 ± acre parcel of open space, as shown on the preliminary subdivision plat, dated April 29, 2002; and

WHEREAS: There was some discussion regarding dwelling unit size that is addressed in the conditions of R- OS Use Permit No. 978; and

WHEREAS: The subject subdivision plat is not in conflict with the 2010 Comprehensive Plan or any City Ordinance; and

NOW, THEREFORE, on a motion by Commissioner Harold O. Johns and seconded by Commissioner Rhet Tignor;

BE IT RESOLVED that the Hampton Planning Commission recommends that Pelican Shores Preliminary Subdivision Plat be approved up to 31 single family lots and an 11.2 ± acre parcel of open space, as not being in conflict with the 2010 Comprehensive Plan and any City Ordinance. A roll call vote on the motion resulted as follows:

AYES: Smith, Johns, Heath, Glass, Wallace, Tignor and Pilgrim
NAYS: None
ABST: None
ABSENT: None

PUBLIC HEARING/CONSENT AGENDA

Chairman Pilgrim stated it has been suggested that if there is no controversy or desire to speak on a public hearing item, and the applicant has complied with the regulations, that the items be grouped into a consent agenda.

Chairman Pilgrim read the public hearing notices on the next agenda item as advertised in the on April 29 and May 6, 2002.

There was no one from the public to speak on the Use Permit Application No. 985 and 986.

ITEM IV. Use Permit Application No. 985 by VoiceStream for the expansion of an equipment compound to support a communications tower at 3101 NASA Drive. The property is zoned General Commercial District (C-3), which may allow communications towers and equipment compounds with an approved Use Permit.

ITEM V. USE PERMIT APPLICATION NO. 986 by VoiceStream for the expansion of an equipment compound to support a communications tower at 1000 North Park Lane. The property is zoned Single Family Residential District (R-15) which may allow commercial communications towers and equipment compounds with an approved Use Permit.

Mr. Stephen R. Romine, 999 Waterside Drive, Norfolk, Virginia, representing the applicant on both applications, stated they are in concurrence with staff's recommendation for approval of the requests.

There being no discussion, the Commission approved the following resolutions:

Use Permit Application No. 985

WHEREAS: The Hampton Planning Commission has before it this day Use Permit Application No. 985 by VoiceStream to expand the compound area for equipment at the base of a 150' tall communications tower at 3101 NASA Drive, which was the subject of previously approved Use Permit No. 925 by Sprint PCS; and

WHEREAS: The property is zoned General Commercial District (C-3), which may allow communications towers and supporting equipment with an approved Use Permit; and

WHEREAS: The 2010 Comprehensive Plan recommends this area for business/industrial use and encourages the co-location of antennae on existing towers; and

WHEREAS: VoiceStream proposes to add an antenna to the existing tower at 124' and to expand the ground compound for support equipment; and

WHEREAS: Adjacent property owners have expressed support for the proposal and no one spoke on this item at the public hearing; and

WHEREAS: Conditions attached to the Use Permit address site plan and zoning requirements, including non-interference with public safety communications.

NOW, THEREFORE, on a motion by Commissioner Rhet Tignor and seconded by Commissioner Katherine K. Glass;

BE IT RESOLVED that the Hampton Planning Commission recommends that Use Permit Application No. 985 be approved subject to three conditions.

A roll call vote on the motion resulted as follows:

AYES: Smith, Johns, Heath, Glass, Wallace, Tignor and Pilgrim

NAYS: None

ABST: None

ABSENT: None

USE PERMIT APPLICATION NO. 986

WHEREAS: The Hampton Planning Commission has before it this day Use Permit Application No. 986 by VoiceStream to expand the compound area for equipment at the base of an existing communications tower at 1000 North Park Lane; and

WHEREAS: The property is zoned One Family Residence District (R-15), which may allow communications towers and supporting equipment with an approved Use Permit; and

WHEREAS: The 2010 Comprehensive Plan recommends this area for community facilities and encourages the co-location of antennae on existing towers; and

WHEREAS: City Council granted Use Permit No. 929 to Area Wide Communications, Inc. for a communications tower at this site; and

WHEREAS: The existing approved tower is 400' tall and VoiceStream proposes to add an antenna at 140' and to expand the ground compound for support equipment; and

WHEREAS: No one spoke on this item at the public hearing; and

WHEREAS: Conditions attached to the Use Permit address site plan and zoning requirements, including non-interference with public safety communications.

NOW, THEREFORE, on a motion by Commissioner Rhet Tignor and seconded by Commissioner Katherine K. Glass;

BE IT RESOLVED that the Hampton Planning Commission recommends that Use Permit Application No. 986 be approved subject to three conditions.

A roll call vote on the motion resulted as follows:

AYES:	Smith, Johns, Heath, Glass, Wallace, Tignor and Pilgrim
NAYS:	None
ABST:	None
ABSENT:	None

ITEM V. PLANNING DIRECTOR'S REPORT

Mr. O'Neill stated during a conversation staff had with the Planning Commission in January, it was noted that staff bring forth items to the Commission regarding topics such as the budget that the Commission was not well informed about. In consultation with the City Manager, it was agreed that Ms. Mary Bunting, Assistant City Manager, present to the Commission an overview on the city's budget, in particular, the struggle that local government has in years such as this, in meeting requirements and providing services to the community. He introduced Ms. Bunting.

Ms. Mary Bunting, Assistant City Manager, presented an overview on the errors of the State and how it is affecting the city's budget, a copy of which is attached hereto and made a part hereof.

In response to a question by Commissioner Smith, Ms. Bunting stated there are two funding mechanisms for the Sheriff's Department: first, direct reimbursement for cost of salaries; and second, per diem payments for the cost of operating the jail; in essence, the money that should be received for caring for the inmates. The per diem payments the State sends to pay for inmates has not changed for many years, and the cost for caring for inmates has increased. In addition, this year, the State may change the definition of prisoners they pay for. They pay for all prisoners, but they pay a differential rate for prisoners who have been in the city's capacity for more than two years who are called State prisoners. Those in the city's capacity for less than two years are considered local prisoners, and there is a differential rate depending on how long they are in jail. This year,

the definition has been changed of what it takes to be a State prisoner and increasing the amount of time it takes to get there. The city will receive less in per diem payment this year than what they received in prior years, even though the cost will go up (i.e. medical, food, etc.). Health insurance and other benefits have not been provided for the Sheriff's Department, and the city has to make up the difference which the State is not funding. The city is not allowed to challenge the State. For example: when the cuts were taxed to the constitutional officers in the budget, there was a provision in the budget bill which stated if constitutional officers did not believe they had enough funds, they could not appeal to the State, but they could sue their local City Council for not picking up the cut the State passed on.

Commissioner Tignor stated the State is required to provide adequate education to its children, and for that reason, the SOQ is a formula that talks about the ability to pay. If you live in a wealthy city or county in the Commonwealth, from the State SOQ formula, you would receive only 20% of the cost of educating your child and as a locality, the city pays 80%. If you live in a city such as Hampton, Newport News, Norfolk, Chesapeake and Virginia Beach, the State pays 75% of educating your child because of the city's ability to pay. If you are in State Legislature and want to reduce the amount of taxes to the citizens in your locality overall, and being one of the wealthier areas of the State, then the localities will pay for the education. Every time a dollar comes down to a locality, the city will receive three for every dollar Fairfax County receives. The result of this action has deprived the city's children of the education whereas in the wealthier cities and counties, it's only a pittance less than our city receives.

Ms. Bunting stated what Commissioner Tignor has referred to is called a "Composite Index," which is leveled out from the State Board of Education so that all children receive an equal level of funding."

In response to a suggestion by Mr. O'Neill, Ms. Bunting stated the Commission has seen the shortfall on the revenue side, but they have not seen the expenses the city had to incur due to State related issues. In addition to the revenue side, there has been an increase in the regional jail due to on-going medical costs. The city had an increased requirement in the amount of payments for young people going to the secure and less secure detention facilities. The city does not have a choice, but to pay. This means that overall, in looking at the city's revenue level, and the basic things the city needed to add to the budget (i.e., 12 firefighters, 5 police officers), the city faced a \$6.6 million shortfall between what was available in revenue, what was spent for requirements, and a few optional items for public safety. In resolving some of the budget cuts, the city passed on \$1 million in budget cuts to city departments, and the departments have not received increases or adjustments for operating expenses in the last several years with the exception of employee salary increases and public safety. One exception is the community center, which will be coming on line at Lindsey Middle School. The city has taken funds out of their Risk Management Reserve Fund. The city reduced some of the capital projects that were in the approved CIP in order to delay the projects another year or to put on hold a while longer, but they continue to be important projects. One area not cut was the local contributions to the schools. The city developed a local funding formula

which shared a certain percent of the city's revenue with the schools as they grow. The city honors their commitment, but did not make up for the shortfall the schools received from the State.

Commissioner Wallace stated in regards to capital cost associated with the schools, the city funds a certain amount of cost expenditures relating to bond issues in the amount of \$8 million in 1995 and \$12 million in 2000. Those monies are available to be spent on the structures based on the needs identified in the capital budget.

Ms. Bunting stated earlier this year, she met with the School Facilities Manager to find out the status on the funding formula in regards to capital cost. It was represented to her that the schools were fine and they could not spend the money any faster than it was given to them. Most of the schools have certain difficulties, for instance, in scheduling construction activities, most of the schools are in operation at least ten months of the year, and they cannot perform major projects such as roof replacements when children are in school due to safety precautions and there is only so much construction that can be done during the summer months. As the city continues to give them the \$8 and \$12 million every bond issue, the improvements can continue to be made to the schools, and will not sit in the bank not being expended because they can't do anymore than they are doing now.

Mr. O'Neill stated because the Commission does not get directly involved in the budget, there are by-products of some of the efforts the city tries to do to respond to these circumstances. Irrespective of how the Commission may feel regarding projects such as the Convention Center, Crossroads and the Power Plant, this gives the Commission a glimpse of a picture as to why a community would think about entertaining those types of projects. These projects may be viewed from some segments of the population as risky or non-traditional roles for the public to get involved in, but if the city let things go the way they are in terms of the revenue picture, you can see what the end of the trend would be. This forces localities to get involved in different projects or explore them to the point that it could alter some degree of revenue formula for the city. The Commission has had a role from its inception in both projects through rezoning of land and participation on the task force. Approximately 77% of the city's real estate tax base comes from residential property. To help turn around the revenue, you have to make the property values in the neighborhoods go up, and unfortunately, it is a time consuming pursuit. In working with neighborhood associations, there is a growing tension to spend more time in the neighborhoods, but the city's resources are limited. The city is getting to a point where departments have to tell neighborhood associations that staff is not available to do what the neighborhoods want them to do due to limited manpower. He stated Planning staff will be able to do most everything they have been doing, but if by chance it does not happen, that is where the struggle lies.

Ms. Bunting concluded that the Commission may have the impression that these issues are only related to our locality, but that is not the case. She stated that is why Newport News is raising their real estate taxes five cents this year, and blaming the State for a \$3 million shortfall. The Virginian Pilot has relayed stories about communities with

similar situations, for example, Chesapeake is eliminating seventy positions, including closing a fire station. The advertisements in the Richmond paper and endorsements that are similar in other states. She stated Hampton is not the only locality looking at projects, but our sister cities on both the Peninsula and the south side are involved in some sort of economic stimulus to their economy (i.e., MacArthur Center in Norfolk, Oyster Point Town Center Development in Newport News, 31st Project and Town Center project Virginia Beach, or the Portsmouth Renaissance Hotel in Portsmouth). All of these cities are involved in public/private partnership to do something to change the economic situation for their community. The City of Hampton is doing what they believe to be fiscally responsible in responding to the situation that has been dealt to the city. She stated what the Commission can do to help the city is to organize people in the community to change the situation that has been dealt to the city by encouraging the State to be responsible by balancing the budget in a responsible manner and correcting deficiencies where they exist. She thanked the Commission for their time, and if there were any ideas to become better organized to change the policies in Richmond, Mr. O'Neill, Mr. Wallace and Ms. Bunting would be available to talk to the Commission at a later date.

ITEM VII. ITEMS BY THE PUBLIC

Mr. C. A. Brown, 1813 Gildner Road, stated in listening to the presentation and comments that have been presented to the Commission, he asked why don't all the cities get together and place a demand on the State legislation to do something about this situation.

Commissioner Tignor stated the cities formed an organization two or three years ago, and are in the process doing what Mr. Brown has suggested. A press release was given regarding the organization and a public relations campaign is being organized, but the reality is that they cannot tell the General Assembly what to do. What needs to happen is to change the citizens, so that when citizens vote, they can tell the State Legislature that they need to fix schools, roads and need the funding to allow this. He believes that the organization is up to eighteen or nineteen cities, and they are doing their best.

ITEM VIII. MATTERS BY THE COMMISSION

Commissioner Heath stated the citizens need to get the ear of their State legislatures. This is done once every two years, but what can be done as a city in between time and who does the lobbying.

Commissioner Tignor stated the city has two lobbyists who attends the General Assembly sessions. The First Cities is working on the year long lobby effort. They are trying to get together this spring or summer with all the cities to have a gathering with all local legislatures to talk to them about the problems as a group. A forum or retreat will be held for all nearly elected Council members so that they will be knowledgeable of the issues up front. In addition, Dr. Mary Christian is aware and has been supporting the issues of education for years.

In response to a question by Commissioner Heath, Commissioner Wallace stated there are two entities who work with the change in definitions or issues that impact the city which come down from the General Assembly: First Cities and the Virginia Municipal League. Ms. Bunting stated the city has staff in Richmond and staff in Hampton who analyze the legislation and budget as it comes out. The First City and VML are two organization who come together and work in force. She informed the Commission to rest assure that city staff is as proactive as they can possibly be. Not only do they follow the legislation and budget as it comes out, but they participate actively and have discussions that would be an influence to the city's benefit.

A motion was made by Commissioner Katherine K. Glass, and seconded by Commissioner Timothy B. Smith to extend the Planning Commission meeting beyond 5:00 p.m. a vote on the motion resulted as follows:

AYES:	Smith, Johns, Heath, Glass, Wallace, Tignor, Pilgrim
NAYS:	None
ABST:	None
ABSENT:	None

After extension discussions and suggestions regarding the budget, Chairman Pilgrim thanked Ms. Bunting for the presentation and stated it was very informative. He acknowledged the Commission's frustration with the General Assembly's mandates that are beyond local control and encouraged the Commission to continue to focus on issues over which they have purview.

ITEM IX. ADJOURMENT

There being no additional items to come before the Commission, the meeting adjourned at 5:03 p.m.

Respectfully submitted,

Terry P. O'Neill
Secretary to Commission

APPROVED BY:

Perry T. Pilgrim
Chairman